

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE AT NASHVILLE

PARK VILLAGE PARTNERS,

Plaintiff,

vs.

MIDDLESEX MUTUAL
ASSURANCE COMPANY,

Defendant.

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No. _____

NOTICE OF REMOVAL

Please take notice that the Defendant, Middlesex Mutual Assurance Company, through its attorneys, BAKER, O’KANE, ATKINS & THOMPSON, PLLP hereby notices the Court and Plaintiff of the removal of the above-referenced action from the Circuit Court for Williamson County, Tennessee, to the United States District Court for the Middle District of Tennessee at Nashville. The Defendant sets forth its grounds for removal as follows:

(1) On or about February 4, 2016, a Complaint was filed in the action, **Park Village Partners v. Middlesex Mutual Assurance Company**, Case No. 2016-53, pending in the Circuit Court for Williamson County, Tennessee at Franklin (the “Action”). Within the last 30 days, and on or about February 8, 2016, the Defendant, Middlesex Mutual Assurance Company, was served with a Summons and a copy of the Complaint through the Tennessee Department of Commerce and Insurance.

(2) Pursuant to 28 U.S.C. § 1441, *et seq.*, Defendant files this Notice of Removal within thirty (30) days of the Defendant receiving the initial pleadings setting forth the claim for relief upon which removal is based.

(3) The records and papers served and filed in the Action to date are attached as "**Exhibit 1.**"

(4) Plaintiff alleges a first party insurance claim for benefits owed and damages stemming from an alleged breach of a policy of insurance related to alleged storm damage to an apartment complex with an alleged date of loss in April 2014.

(5) As alleged in Paragraph 2 of the Complaint, and on information and belief, Plaintiff, Park Village Partners at the time of filing of the Complaint was the owner of the property and the named insured under the subject Policy, and is a Tennessee partnership owning and operating property in Williamson County, Tennessee.

(6) As alleged in Paragraph 3 of the Complaint, the Defendant, Middlesex Mutual Assurance Company was, and at the time of this filing, a Connecticut corporation with its principal place of business located at 213 Court Street, Middletown, Connecticut, 06457.

(7) This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332(a). The controversy is, and at the time of the filing of the Action was, between real parties in interest with complete diversity of citizenship and the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.


(9) This action may be removed to this Court pursuant to 28 U.S.C. § 1441 *et. seq.*

(10) A copy of the Notice of Removal contemporaneously filed with the Clerk of Williamson County Circuit Court and served upon counsel for the Plaintiff in the civil action is attached hereto as "**Exhibit 2.**"

WHEREFORE, further proceedings in the Action should be discontinued, and this action should be removed from the Williamson County Circuit Court to the United States District Court for the Middle District of Tennessee at Nashville.

Respectfully submitted this 4th day of March, 2016.

BAKER, O'KANE, ATKINS & THOMPSON, PLLP

By: 
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing document has been served on all counsel of record either by Federal Express, overnight mail and United States Mail, postage prepaid.

This 4th day of March, 2016.


Emily L. Herman-Thompson